

## **REMARKS**

In a Telephone Conference with the Examiner on July 12, 2006, the Examiner asserted that the status of the claims as stated on the Office Action Summary was incorrect and that claims 1-3 and 5-54, comprising all pending claims are rejected.

Specifically, claims 41, 42 and 43 were rejected under 35 U.S.C. 101; claims 1-9, 26-30, 33, 34, 38, 39, 41, 44-51 and 53 were rejected under 35 U.S.C. 102(e) as being anticipated by Edlund et al. (U.S. Patent No. 6,546,388); claims 10-17, 19-25, 31, 32, 35-37, 40, 42, 43 and 54 were rejected under 35 U.S. C. 103(a) as being unpatentable over Golding et al. (U.S. Patent Publication No. 2003/0014501) in view of Mukai (U.S. Patent No. 6,446,095); and claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Golding et al. in view of Mukai and further in view of Page (U.S. Patent No. 6,285,999). The foregoing rejections are respectfully traversed.

Claims 1, 6, 9, 22, 26, 28, 33, 34, 39 and 40-44, 50, 51 and 54 have been amended to further clarify the present invention. Support for the claim amendments can be found, for example, at FIGS. 10A-10B and pages 20 and 42-43 of the specification. Claims 5, 27 and 45 have been cancelled without prejudice or disclaimer and the features thereof have been incorporated into claim 1, 22, 26, 33, 39, 40, 41, 44, 50, 51 and 54, respectively.

The Applicant respectfully request that the Examiner acknowledge the Information Disclosure Statement filed July 14, 2006.

Claims 1-3, 6-26, 28-44 and 46-54 are currently pending and under consideration. Reconsideration is respectfully requested.

### **Regarding the 101 rejections of claims 41-43:**

The MPEP states that "a signal encoded with function descriptive material is similar to a computer-readable memory encoded with function descriptive material ... a computer is able to execute the encoded functions, regardless of whether the format is a disk or a signal", and the Manual of Patent Examining Procedure (MPEP) states that a signal claim directed to a practical application of electromagnetic energy is statutory regardless of its transitory nature. See MPEP, section 2106, IV(B)(1)(c). Therefore, claims 41, 42 and 43 have been amended to overcome the rejection.

**Regarding the 102(e) rejections:**

Claim 1 has been amended to recite “a popularity degree calculation method for calculating a popularity degree indicating the height of a popularity of a document in a network via an apparatus connected with the network, the method comprising: extracting documents updated or collected during a first time period; **calculating a popularity degree of each of the extracted documents during the first time period; extracting a popularity degree from the calculated popularity degree during a second time period; and calculating a popularity transition degree indicating both a direction and a degree of transition of the popularity degree for each of the extracted documents based on the popularity degree during the first time period and the second time period, to thereby obtain a difference indicating how the popularity degree of each of the documents changes in a time series order**”.

Various embodiments of the present invention, disclose that a popularity transition degree of a document is calculated based on a popularity degree during a second time period within a first time period (see pages 42-43 of present invention, for example).

Further, various embodiments of the present invention solve the problem that a popularity degree based on the number of linked documents of a document always increases and never decreases (see page 3 of the specification).

Edlund et al. fails to disclose the features as recited in amended claim 1, for example. That is, Edlund et al. fails to disclose “**calculating a popularity degree of each of the extracted documents during the first time period; extracting a popularity degree from the calculated popularity degree during a second time period; and calculating a popularity transition degree indicating both a direction and a degree of transition of the popularity degree for each of the extracted documents based on the popularity degree during the first time period and the second time period, to thereby obtain a difference indicating how the popularity degree of each of the documents changes in a time series order,**” as recited in claim 1, for example.

Instead, in column 7, lines 30-60, Edlund et al. merely discloses a popularity vector keeping track of a number of times a resource has been accessed. Further, Edlund et al. merely discusses adding a second element to the popularity vector representing the number of times the resource has been shown to the user but ignored, whereby a statistic R is set to this number as the weighted square sum of the two components. However, Edlund et al. does not disclose that the popularity vector is based upon two time periods (i.e., a first and a second time period). Further, at column 9 lines 25 – column 10, line 4, pointed out by the Examiner, Edlund

et al. merely discloses a monitor agent which monitors the user's selections of search results and every time the user selects a search result for further viewing from the list, the monitor agent is notified and updates the ranking database. For example, the monitor agent updates the counter for the popularity of the most recent version of the URL.

Although the above comments are specifically directed to claim 1, it is respectfully submitted that the comments would be helpful in understanding differences of various other rejected claims over the cited references. Therefore, it is respectfully submitted that the rejection is overcome.

**Regarding the 103(a) rejections:**

At page 8 of the Office Action, the Examiner admits that Golding fails to disclose "judging whether the second document is a non-text document related to contents of the first document," as recited in claim 10, for example. However, the Examiner asserts that Mukai makes up for this deficiency. Specifically, at page 2 of the Office Action, the Examiner asserts that Mukai discloses these features at column 6, lines 1-25. The Applicant respectfully disagrees with the Examiner.

Instead, as previously mentioned, Mukai merely discloses a document storage means which stores link data and documents composed of texts and link information associated with the link data (see column 3, lines 1-9). Further, Mukai discloses producing a predetermined graphic in accordance with a degree of importance of the link data segment, and displaying texts in the specific document and the predetermined graphics (see column 3, lines 10-22).

At column 6, lines 1-25, pointed out by the Examiner, Mukai merely discloses gaining a document D1 via a network and producing a graphic in accordance with the degrees of importance of data corresponding to link information of the document D1. **However, Mukai fails to disclose that this data is related to the contents of the document D1 itself.**

Although the above comments are specifically directed to claim 10, it is respectfully submitted that the comments would be helpful in understanding differences of various other rejected claims over the cited references.

Thus, any combination of Golding, Mukai and Page fails to establish a prima facie case of obviousness over the present invention. Therefore, it is respectfully submitted that the rejection is overcome.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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